

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.: CV 18-09365-JWH (RAO) Date: January 31, 2022
Title: Robert Walker v. Raymond Madden

Present: The Honorable **ROZELLA A. OLIVER, U.S. MAGISTRATE JUDGE**

Donnamarie Luengo
Deputy Clerk

N/A

Court Reporter / Recorder

Attorneys Present for Plaintiff(s):

N/A

Attorneys Present for Defendant(s):

N/A

Proceedings: (In Chambers) **ORDER TO SHOW CAUSE RE PETITIONER'S
EFFORTS TO EXHAUST HIS CLAIMS IN STATE COURT**

On February 25, 2020, the Court granted Petitioner's amended motion for a stay and abeyance and stayed the instant action so that he could return to state court to exhaust four additional grounds of relief. *See* Dkt. Nos. 6, 18, 29. In its order, the Court directed Petitioner to "promptly file a habeas petition in the California Supreme Court, or appropriate lower state court, presenting his unexhausted claims." Dkt. No. 29 at 1. The Court further directed Petitioner to file a status report regarding his state habeas efforts within 30 days of the order and every 60 days thereafter. *Id.* The Court advised Petitioner that failure to comply with these requirements would result in the stay being lifted and the action proceeding on his unamended Petition. *Id.* at 2.

Since then, Petitioner has filed a status report approximately every 60 days, as directed. *See* Dkt. Nos. 30-32, 34-42. In his status report of November 23, 2020, nine months after the Court stayed the action, Petitioner informed the Court that he had completed his state habeas petition and would submit it to the "state court." Dkt. No. 35 1-2. In the seven status reports he has filed since then, Petitioner has repeated, in what appears to be verbatim, pre-printed language, that he has "completed his writ of habeas corpus. Petitioner will submit petition to the state court and subsequently report to this Court within the next 60 days pertaining to status of state petition." *See* Dkt. Nos. 36-42.

A review of the state appellate court website, at <https://appellatecases.courtinfo.ca.gov/>, does not disclose any habeas filings by Petitioner in the California Court of Appeal or California Supreme Court. In other words, it appears that Petitioner has not complied with the Court's February 25, 2020 order.

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Consequently, Petitioner is ordered to show cause in writing no later than **March 1, 2022** why the stay should not be lifted and the action proceed on the claims presented in the habeas petition filed in this Court on November 1, 2018. Dkt. No. 1.

Petitioner is forewarned that his failure to respond in a timely fashion to this order will result in the stay being lifted and the action proceeding on his initial habeas petition.

IT IS SO ORDERED.

Initials of Preparer :
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